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OFFICE OF PETITIONS

In re Application of :
Kuriyama et al. : DECISION ON APPLICATION
Application No. 10/735,062 : FOR
Filed: December 11, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. 1232-5237 :

This is a decision on the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed November 29, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred eleven (411) days to four hundred seventeen (417) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is four hundred seventeen (**417**) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 7, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 411 days. On November 29, 2006, applicants timely submitted the instant application for patent term adjustment¹. Applicants state that an Information Disclosure Statement (IDS) was filed on February 7 (not February 13), 2006. Accordingly, the reduction pursuant to 37 CFR 1.704(c)(8) is 1 day, not 7 days. In support thereof, applicants point to the Image File Wrapper (IFW) for this application, supply a copy of the IDS as filed with a February 7, 2006 date-stamp thereon, and provide a copy of their itemized

¹ PALM records indicate that the Issue Payment was filed on November 29, 2006.

and date-stamped return postcard acknowledge receipt of the IDS on February 7, 2006.

Applicants state that the application is not subject to a terminal disclaimer.

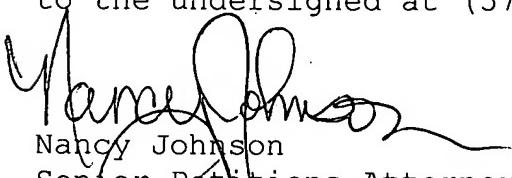
Applicants are correct. The postcard evidence and application history show that the IDS is properly considered filed on February 7, 2006. No further IDS was filed on February 13, 2006. Accordingly, the IDS was filed 1 day after a reply filed February 6, 2006, and thus, the period of reduction pursuant to 37 CFR 1.704(c)(8) is 1 day.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 417 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent will include any additional patent term adjustment accrued for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Tuesday
Date: 1/23/2007

Time: 13:10:21

PALM INTRANET

PTA Calculations for Application: 10/735062

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|--------------------------|------------|-------------------------|-----|
| Application Filing Date: | 12/11/2003 | PTO Delay (PTO): | 420 |
| Issue Date of Patent: | | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 9 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 417 |
| PTO Delay Adjustment: | 6 | | |

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| 37 | 11/07/2006 | MAIL NOTICE OF ALLOWANCE | 154 | | 27 |
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| 35 | 11/03/2006 | DOCUMENT VERIFICATION | | | |
| 34 | 11/03/2006 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 33 | 11/03/2006 | CASE DOCKETED TO EXAMINER IN GAU | | | |
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| 29 | 02/13/2006 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | 7 | | 27 |
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| 20 | 11/09/2004 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 19 | 08/09/2004 | CORRESPONDENCE ADDRESS CHANGE | | | |
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| 16 | 04/26/2004 | REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED) | | |
| 15 | 05/06/2004 | APPLICATION RETURN FROM OIPE | | |
| 14 | 05/06/2004 | APPLICATION IS NOW COMPLETE | | |
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| 12 | 05/06/2004 | APPLICATION RETURN FROM OIPE | | |
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| 9 | 05/06/2004 | APPLICATION IS NOW COMPLETE | | |
| 8 | 04/23/2004 | ADDITIONAL APPLICATION FILING FEES | | |
| 7 | 04/23/2004 | A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC | | |
| 6 | 03/22/2004 | NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED | | |
| 5 | 02/27/2004 | CLEARED BY L&R (LARS) | | |
| 4 | 02/17/2004 | REFERRED TO LEVEL 2 (LARS) BY OIPE CSR | | |
| 3 | 02/17/2004 | CASE CLASSIFIED BY L&R | | |
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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